GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4710
ANSWERED ON:23.08.2001
REGISTRATION OF MARRIAGE COMPULSORY
PUTTASWAMY GOWDA;RUDRAGOUDA PATIL

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government have received representation from the National Commission for Women and other organisations regarding registration of marriage to be made compulsory;

(b) if so, the details thereof; and

(c) the reaction of the Government in this regard?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) Yes, sir.

(b) National Commission for Women in its Annual Report 1997-98 has recommended compulsory registration of marriages with the aim of preventing child marriages, requirement of consent of the bride to the marriage, to ensure prohibition against polygamy and also to ensure that the wife gets notice of an intended further marriage.

(c) Registration of marriages solemnised or contracted under the Indian Christian Marriage Act,1872, the Parsi Marriage and Divorce Act, 1936 and the Special Marriage Act, 1954 are compulsory. Section 8 of the Hindu Marriage Act, 1955 provides that if the State Government is of opinion that it is necessary or expedient so to do, it may provide that the entering of the particulars of Hindu marriages in the Hindu marriage register shall be compulsory in the State or in any part there of, whether in all cases or in such cases as may be specified. Certain State Governments, namely, the States of Maharashtra, Gujarat, Himachal Pradesh and Karnataka have State Acts providing for compulsory registration of marriages in those States. Registration of Marriages solemnised otherwise than under the Special Marriage Act, 1954 is permissible under section 16 of the said Act if such marriages fulfil certain conditions as laid down under chapter III of that Act. The question of making registration of Hindu marriages compulsory could thus be considered by the State Governments as per the local situations prevailing in those States. Hence, there is no proposal to make any changes in that law.